

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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ROBERT WHARTON,

Petitioner,

v.

DONALD T. VAUGHN, et al.,

Respondents.

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CIVIL ACTION

No. 01-6049

**CAPITAL CASE**

**PARTIALLY UNOPPOSED MOTION FOR OPPORTUNITY TO REPLY**

Petitioner Robert Wharton moves, without opposition from the District Attorney but with opposition from the amicus curiae, the Attorney General, for an opportunity to reply to the Attorney General's response to the post-hearing briefs of Mr. Wharton and the District Attorney. He states the following in support of the motion:

1. On August 10, 2021, this Court issued an order requiring Petitioner Wharton and Respondent, represented by the Philadelphia District Attorney's Office, to file post-hearing briefs of no more than twenty-five pages to address three specified issues by September 30, 2021. The Court also ordered the amicus curiae, the Office of the Attorney General, to respond by October 22, 2021. ECF No. 271.

2. Given the extensive testimony and contested nature of the hearing in this matter, counsel for Mr. Wharton anticipates that a reply to the Attorney General will be warranted and helpful to the Court. Mr. Wharton accordingly requests that the Court allow his counsel ten days, until November 1, 2021, to reply to the Attorney General's response.

3. On August 11, 2021, I exchanged email messages with Paul George, Assistant Supervisor, Law Division, Office of the District Attorney. He indicated that the Commonwealth has no objection to Mr. Wharton's motion. On August 12, 2021, Chief Deputy Attorney General James Barker informed me by email that the amicus curiae does oppose allowing Mr. Wharton an opportunity to reply to the amicus's response.

## CONCLUSION

For the reasons above, the Court should allow counsel for petitioner Wharton until November 1, 2021, to file any reply to the Attorney General's brief in response to Mr. Wharton's post-hearing brief.

Respectfully submitted,

LEIGH M. SKIPPER  
Chief Federal Defender, by

/s/ Claudia Van Wyk  
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*Counsel for Petitioner Robert Wharton*

Dated: August 12, 2021

**CERTIFICATE OF SERVICE**

I, CLAUDIA VAN WYK, hereby certify that on this date I served a copy of the foregoing on the following persons in the manner indicated below:

**BY ELECTRONIC SERVICE THROUGH ECF**

**PAUL M. GEORGE**

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/s/ Claudia Van Wyk

Claudia Van Wyk

Dated: August 12, 2021